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****E-filed 8/15/05****

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8 **ATTORNEYS FOR PLAINTIFF**
9 **GARDEN CITY BOXING CLUB, INC.**

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 **GARDEN CITY BOXING CLUB, INC.,**

14 **Plaintiff,**

15 **vs.**

16 **DIANE T. NGUYEN, individually and**
17 **d/b/a DA THAO**

18 **Defendants and**

Case No. 1:05-CV-01541 HRL ARB

PLAINTIFF'S *EX PARTE* APPLICATION
FOR AN ORDER VACATING CASE
MANAGEMENT CONFERENCE; AND
ORDER (~~Proposed~~)

19 Plaintiff Garden City Boxing Club, Inc., hereby applies *ex parte* for an order vacating the Case
20 Management Conference presently set for Tuesday, August 16, 2005, at 1:30 p.m.

21 This Application is respectfully submitted for the consideration of this Honorable Court and is
22 based on the grounds that the Parties have reached and settlement in this matter. In addition, Plaintiff
23 anticipates filing the Stipulation of Dismissal no later than Monday, August 8, 2005.

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ORDER (Proposed)

It is hereby ordered that the Case Management Conference in civil action number C 05-1541 HRL (ARB) styled *Garden City Boxing Club, Inc. v. Diane T. Nguyen*, is hereby vacated.

Plaintiff shall also serve a copy of this Order on the Defendant and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED:

/s/electronic signature authorized

Dated: **8/15/05**

**The Honorable Jeremy Fogel
United States District Court Judge
Northern District of California**

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PROOF OF SERVICE (SERVICE BY FIRST CLASS MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is One California Plaza, 300 South Grand Avenue, Suite 2670, Los Angeles, California 90071. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On August 4, 2005, I served:

**PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER VACATING CASE
MANAGEMENT CONFERENCE; AND ORDER (Proposed)**

On all parties referenced by enclosing a true copy thereof in a sealed envelope with postage prepaid and following business practices, said envelope on all parties in said cause by transmitting a true copy thereof by Facsimile to:

Diane T. Nguyen (Defendant)
888 Story Road
San Jose, CA 95122

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on August 4, 2005, at Los Angeles, California.

Dated: August 4, 2005

/s/ Angel Atherall
ANGEL ATHERALL